
TUCSON CODE, CHAPTER 23, LAND USE CODE

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ARTICLE II. ZONES

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DIVISION 8. OVERLAY ZONES

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2.8.11 "N" NEIGHBORHOOD PRESERVATION ZONE (NPZ).

2.8.11.1 Purpose. This overlay zone recognizes that the continued stability and viability of neighborhoods may be threatened by inappropriate development and provides a means to preserve neighborhoods by establishing design criteria for new development within the neighborhood. ~~This zone allows neighborhoods to identify the particular characteristics that define a neighborhood, to develop a neighborhood preservation plan to protect those characteristics and to establish development criteria to implement the plan.~~ These criteria ensure that new development will be compatible in architecture, scale ~~and use~~ with the existing residences, businesses, offices and other uses, and that new development does not produce adverse impacts on the surrounding neighborhood. This will help ensure that new development does not contribute to the deterioration of the ~~living~~ environment, the decline of property values, or the diminishment of the health, safety, and general welfare conditions of the adjacent area. It is also intended that new or remodeled structures shall be designed and constructed to harmonize with structures located within the immediate vicinity.

2.8.11.2 Applicability. The Neighborhood Preservation Zone (NPZ) ~~Zone~~ is an overlay zone superimposed over the development regulations of the underlying zoning. The NPZ does not ~~effect~~ ~~affect~~ the uses ~~or intensity of uses~~ established by the underlying zoning. The NPZ ~~zone~~ applies to specifically mapped ~~geographic areas~~ ~~area~~ established in accordance with this section where a neighborhood has a unifying character which should be preserved or is threatened with inappropriate development. The NPZ applies to all new structures, additions, and detached accessory ~~structures~~ that require a building permit. ~~The NPZ does not apply to building maintenance, minor repairs, alterations or painting that does not significantly effect an element of the external appearance that is to be preserved under the neighborhood plan.~~

2.8.11.3 Establishment of, or Amendment to, Neighborhood Preservation Zone ~~District~~. A Neighborhood Preservation Zone is established by the approval of a mapped geographic area through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3.

- A. An NPZ may be initiated by a private applicant provided at least twenty-five percent (25%) of the property owners in the proposed NPZ sign a petition supporting the application and provided that notice of the application is mailed or delivered to all property owners in the proposed NPZ. An application under this subsection shall conform to Development Standard 2.16.0.
- B. An NPZ may be initiated by the adoption of a Neighborhood or Area plan that calls for implementation of that plan through a NPZ or may be directly initiated by the Mayor and Council.

2.8.11.4 Neighborhood Preservation Plan (NPP). Each NPZ shall have a Neighborhood Preservation Plan that identifies the particular neighborhood characteristics that are to be preserved and the development regulations to implement the plan in conformance with this section and Development Standard 2-16.0

~~B.A.~~ A NPZ shall be in conformance with the General Plan and applicable specific plans, including area and neighborhood plans.

~~C.B.~~ A NPZ shall identify the name of the neighborhood and the geographic area to be subject to the NPZ. The area of a NPZ shall include contiguous properties.

~~C.~~ D.—A NPZ shall identify the definable characteristics of the proposed area of a neighborhood that are to be preserved. In determining if an area is to be designated as a neighborhood, the following criteria shall be examined.

1. A neighborhood shall include a group of related sites, buildings, and structures which contribute to the character of the neighborhood within generally recognized boundaries.
2. The group of structures, buildings, or sites should provide the neighborhood with a definable architectural or design character that merits preservation.
3. There should be a sufficient number of structures of related or similar characteristics to make the neighborhood a recognizable entity.
4. Neighborhoods may be characterized by unique features, historical attributes or relation to nearby institutions, parks, activity centers, or similar features.
- 4.5. Neighborhoods may be naturally delineated by washes, natural features or areas, or other environmental features.

~~5.6.~~ The extent to which the stability and viability of the neighborhood is threatened by inappropriate and incompatible development.

~~6.7.~~ Other factors that contribute to identifying cohesive neighborhoods such as but not limited to parks and community facilities.

E. A ~~NPZ~~ ~~NPP~~ shall specify the development criteria and regulations that apply within the NPZ to implement the NPP in accordance with Sec. 2.8.11.8 and 2.8.11.9.

F. A NPP shall conform to Development Standard 2-16.0~~An application to establish or amend a NPZ shall address the criteria in this Sec. 2.8.11.3 and applicable Development Standards. The name, character and boundaries of the area subject to the NPZ, i.e. the “neighborhood”, and the development criteria and regulations that apply within the NPZ shall be set forth in the ordinance adopting the NPZ.~~

2.8.11.54 Districts Established. The following NPZ districts are established. The list shall be administratively updated, upon adoption of additional NPZ districts through the appropriate procedure.

A. “NPZ-1” – XXXXX. Adopted on XXX, by Ordinance No. XXX

2.8.11.65 Zoning Maps. To identify each of the NPZ districts on the City of Tucson Zoning Maps, the preface “N” is added to the assigned residential, office, commercial, or industrial zone designation, i.e., R-1 becomes NR-1.

2.8.11.76 Permitted Uses. The land uses permitted within the NPZ zone are those uses permitted by the underlying zoning.

2.8.11.87 Development Review Required. Review and approval are required for all new ~~enclosed~~ structures, additions and detached accessory structures within the NPZ that require a building permit. All reviews are based on development criteria as established in each NPZ per Sec. 2.8.11.89. Each NPZ may establish specific public notice and comment requirements for development proposals in addition to those required by the LUC. A NPZ shall identify the procedures for development review in accordance with Sec. 2.8.11.910.

2.8.11.98 Development Criteria. Each NPZ shall establish the development criteria that shall apply within the NPZ to provide for new development that is compatible with the neighborhood character istics that are to be preserved and to implement the purpose of this section.

A. Specific development criteria shall be established which may supercede or supplement those established in the underlying zones. Specific development criteria may be established for Building Heights and Perimeter Yards specified in

Residential Development Designator, Sec. 3.2.3.1, Accessory Structures, Sec. 3.2.5.2 and 3.2.5.3, Perimeter Yards, Sec. 3.2.6, Structure Height Measurement, Sec. 3.2.7, Access Provisions, Sec. 3.2.8, Lot Coverage, Sec. 3.2.9, Streets, Sec. 3.2.13, Lots, Sec. 3.2.14, Motor Vehicle and Bicycle Parking Requirements, Division 3, and Landscaping and Screening Requirements, Division 7. The specific development criteria for a NPZ may be supplemented with development standards to apply within the NPZ.

B. All development regulations that are not expressly addressed in the NPP shall remain applicable as provided by the LUC.

~~B.C.~~ A NPZ may establish architectural and design standards for new development that are compatible with the character of the neighborhood.

~~C.D.~~ The development criteria for each NPZ shall be maintained and available at the Development Services Department.

2.8.11.109 ~~Development Design~~ Review Procedures. ~~A-Where a NPZ establishes architectural or design criteria, it shall identify the procedure in Article II, Development Compliance Code, which is to be used for approval for conformance to the NPZ Design Criteria. The procedure may be by one or more of the following: staff Zoning Compliance Review in accordance with 23A-31, a Limited Notice Procedure, Sec. 23A-40 or a Full Notice Procedure, 23A-50 with DSD approval, Sec. 23A-51, Board of Adjustment approval, Sec. 23A-52 or Zoning Examiner approval, Sec. 23A-53. If a NPZ includes architectural or design criteria, it may provide for review in accordance with Sec. 23A-32, Administrative Design Review Procedure. The NPZ Design Criteria shall be subject to a variance in accordance with 23A-52.~~

2.8.11.11 Development Regulation Modification Procedures. The NPZ development and design criteria shall be subject to a variance in accordance with 23A-52. The NPZ may additionally designate a procedure in the Development Compliance Code for review and approval of modifications to development and design criteria within the NPZ. The designated procedure may be applied to any development regulations except that the procedure may not be used to change the permitted uses or intensity of uses established by the underlying zoning.

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Amendment to Development Standards.

1-07.0.0 ZONING EXAMINER LEGISLATIVE PROCEDURES FOR A REZONING.

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1-07.2.0 Applicability. The following information and requirements apply to all rezoning requests except for applications for Neighborhood Preservation Zones (NPZ) which are governed by Development Standard 2-16.0. Supplemental information that specifically applies to rezoning to a Planned Area Development (PAD) zone ~~are~~is provided in Sec. 1-08.

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DEVELOPMENT STANDARD NO. 2-16.0
NEIGHBORHOOD PRESERVATION ZONE PROCEDURES

2-16.0.0 NEIGHBORHOOD PRESERVATION ZONE PROCEDURES

2-16.1.0 PURPOSE. This overlay zone recognizes that the continued stability and viability of neighborhoods may be threatened by inappropriate development and provides a means to preserve neighborhoods by establishing design criteria for new development within the neighborhood. This zone allows neighborhoods to identify the particular characteristics that define a neighborhood, to develop a neighborhood preservation plan to protect those characteristics and to establish development criteria to implement the plan. These criteria ensure that new development will be compatible in architecture, scale and use with the existing residences, businesses, offices and other uses, and that new development does not produce adverse impacts on the surrounding neighborhood. This will help ensure that new development does not contribute to the deterioration of the living environment, the decline of property values, or the diminishment of the health, safety, and general welfare conditions of the adjacent area. It is also intended that new or remodeled structures shall be designed and constructed to harmonize with structures located within the immediate vicinity.

2-16.2.0 APPLICATION.

2.1 Application by a private party. Where a private party applies for the designation of a Neighborhood Preservation Zone, the application shall include the following:

A. Name and address of the applicant, or if a group or association, the contact person for the processing of the application.

B. Name and proposed boundaries of the NPZ.

C. The distinctive characteristics of the NPZ.

- D. A general description of the development regulations that will be proposed and how they preserve the distinctive characteristics of the neighborhood.
- E. A petition signed by twenty-five percent (25%) of the property owners in the proposed NPZ supporting the application as described above.
- F. A certification that the application, including subsections 1,2,3 and 4 above, has been mailed or delivered to all property owners within the proposed NPZ.
- G. For the purpose of complying with subsections E and F above, “property owners” shall mean the owners as listed by the Pima County Assessor’s office at a point in time which is no more than six (6) months prior to the submittal of the application.

2.2. Application by the City. Where an application is initiated by direction by the Mayor and Council in the adoption of a Neighborhood or Area Plan, or by a vote of the Mayor and Council, the Director of the Department of Urban Planning and Design shall prepare an application including the following:

- A. Name and proposed boundaries of the NPZ.
- B. The distinctive characteristics of the NPZ.
- C. A general description of the development regulations that will be proposed and how they preserve the distinctive characteristics of the neighborhood.
- D. A petition signed by twenty-five percent (25%) of the property owners in the proposed NPZ supporting the application as described above.

2-16.3.0 Fees. The application fee for the creation of a NPZ District is five hundred dollars (\$500), which amount includes the cost of posting and published notice for all pubic hearings.

2-16.4.0 CRITERIA FOR ESTABLISHMENT OF A NPZ DISTRICT.

4.1 All ~~NC Zoning~~ NPZ ~~D~~districts shall have identifiable boundaries and shall possess one or more of the following features that are unique and distinctive to the neighborhood, and create a cohesive identifiable setting, character or association that make the neighborhood an integral part of the City’s identity:

- A. Distinctive building features, such as scale, mass, size, detailing, period of construction, type of construction or distinctive building materials.
- B. Distinctive spatial relationships between buildings.

- C. Distinctive site planning features, such as lot layouts; setbacks; street, alley or sidewalk layout.
- D. Special natural or streetscape characteristics, such as washes, parks, greenbelts, gardens or street landscaping.
- E. Distinctive features or design elements associated with the streetscape, such as light fixtures and devices, signs, benches, curb markers, kiosks and bollards.
- F. Distinctive land use patterns, including mixed uses, or unique uses or activities.
- G. A recognized neighborhood identity and a definable physical character that has historical value to the City.
- H. Proximity to or linkage with designated historic landmarks or districts, parks or institutions.

2-16.5.0 NEIGHBORHOOD PRESERVATION PLAN REQUIRED. Every NPZ shall have a Neighborhood Preservation Plan that states the particular distinctive characteristics that are to be preserved and the development regulations that will provide the preservation.

5.1 A proposed Neighborhood ~~Conservation~~ Preservation Plan shall be filed with the application. A proposed Neighborhood ~~Conservation~~ Preservation Plan shall include all of the following:

- A. A map showing the boundaries of the proposed ~~NC Zoning~~ NPZ District.
- B. An explanation of the factors that contributed to the determination of the boundaries of the neighborhood. Factors may include the location and extent of the unique characteristics of the neighborhood, boundaries set by washes, natural areas or other environmental features, or the boundaries of the service area of a park or community facility located within or near the neighborhood.
- C. Maps, charts or narrative, or all three as appropriate, that describe the age of the structures in the proposed ~~NC~~ NPZ ~~Zoning~~ District, as well as all existing land uses, and show the location of all vacant land in the proposed ~~NC~~ NPZ ~~Zoning~~ District.
- D. The proposed name of the district.
- E. A narrative section setting forth:

1. the specific characteristics that make the neighborhood eligible for ~~NC NPZ Zoning~~ District designation and a showing that all the requirements in Section for designation as an ~~NC NPZ Zoning~~ District are met; and
2. the extent to which the stability and viability of the neighborhood is threatened by inappropriate and incompatible development.
3. A separate section setting forth the design standards and specific development regulations for new construction or placement of any new structure in the ~~NC NPZ Zoning~~ District that supercede, modify or expand the development requirements of the underlying zoning district.

F. The development regulations and design guidelines may include, but are not limited to the following:

1. building height, bulk, massing and orientation;
2. principal elevation features, fenestration, building materials and roofline and pitch;
3. lot dimensional requirements, setbacks, lot size, density and floor area ratios;
4. parking and loading requirements, garage entrance location, driveways, and sidewalks;
5. landscaping, fences and walls, lighting, and signage;
6. general site planning for both primary and accessory structures;
7. demolition or alteration of natural features that contribute to the character of the neighborhood; and
8. prohibition or modification of certain uses permitted in the underlying zone that are incompatible with the character of the neighborhood, except that a Neighborhood ~~Conservation~~ Preservation Plan shall not authorize any use that is not permitted by the underlying zoning classification.

G. The proposed development regulations and design guidelines shall specifically serve to preserve the distinctive characteristics of the

neighborhood as described in the Neighborhood ~~Conservation~~
Preservation Plan.

2-16.6.0 ACCEPTANCE OF THE APPLICATION. The Director of the Development Services Department shall review or cause to be reviewed the application for ~~NG Zoning~~ NPZ District designation and shall decide within 15 working days whether to accept or deny the application by a private party.

6.1 In order to accept the application, the DSD Director must find that the application substantially conforms to the requirement of LUC Section 2.8.11 and this Development Standard.

2-16.7.0 REVIEW AND APPROVAL OF A NPZ DISTRICT. Review and approval of a NPZ District shall be in conformance with the Zoning Examiner Legislative Procedure, LUC Sec. 5.4.1 and 5.4.3, and with Development Standards 1-07.4.0 and 1-07.4.6 through 1-07.4.16.